

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HARTFORD ACCIDENT AND)	
INDEMNITY COMPANY, et al.,)	
Appellants,)	
)	
v.)	Civil Action No. 07-1750
)	
NORTH AMERICAN REFRACTORIES)	Bankr. Case No. 02-20198 (JKF)
COMPANIES, et al.,)	
)	
Appellees.)	

MEMORANDUM ORDER

On July 25, 2008, this court issued a Memorandum and Order affirming various substantive rulings, and the final confirmation order, issued by the Bankruptcy Court. Debtor has filed a Motion to Amend this Order [doc. no. 41]. Debtor contends that the court made an error in describing the proposed funding for the NARCO Asbestos Trust, and asks that we amend the memorandum to more precisely describe the Trust's funding. Hartford agrees with Debtor's request.

Debtor contends that the factual correction is not material to our ultimate decision, and does not effect the key factual conclusions that follow therefrom. Nevertheless, because the case will likely be appealed to the Court of Appeals for the Third Circuit, Debtor believes that the amendment will "enable the Court's decision to be presented on appeal with full factual clarity."

Although we are confident that the Court of Appeals can dispatch its duty to review our factual determinations for clear error, and although we question the need to correct an admittedly immaterial detail within a factual finding, because the parties have promptly, and jointly, requested this correction, we will grant the relief requested. Accordingly, this 6th day of August, 2008, it is HEREBY ORDERED that Debtor's Motion to Amend [doc. no. 41] is GRANTED.

The following two sentences found on page 7 of the Court's Memorandum and Order, dated July 25, 2008: "In particular, Honeywell will fund 21% of the NARCO Asbestos Trust. Reorganized NARCO will contribute the remaining 79% in the form of outstanding common stock", shall be replaced with the following two sentences: "In particular, Honeywell is obligated to make annual contributions to the NARCO Asbestos Trust, subject, under certain circumstances, to annual caps or limitations. In addition, Reorganized NARCO will contribute 79% of its outstanding common stock to the NARCO Asbestos Trust."

IT IS FURTHER ORDERED that Hartford's Motion for Rehearing [doc. no. 40] is MOOT.

BY THE COURT:

 J.

cc: The Honorable Judge Fitzgerald
All Counsel of Record